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COMMITTEE ON THE RIGHTS OF THE CHILD

First session

SUMMARY RECORD OF THE 14th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 9 October 1991, at 3 p.m.

Chairman: Mrs. BADRAN

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Other matters (continued)

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The meeting was called to order at 3.15 p.m.

OTHER MATTERS (agenda item 11) (continued)

Methods of work of the Committee

1. Mr. FOX (Defence for Children International Movement) said he wished first of all to point out that the Committee was part of the general framework of the international legal system. In ratifying the Convention, States parties made a commitment towards one another and if that commitment was not honoured, they could have recourse to the whole arsenal of remedies provided within that international framework (arbitration, bringing a suit in the International Court of Justice, etc.). No State was likely to go that far, however, and the Committee's role was precisely to encourage dialogue. It should not be forgotten, moreover, that the goals of States parties were often in conflict with those of the Committee as the latter's task was to secure implementation of the Convention whereas States parties tended to resist change. The consideration of reports by States parties thus had to be seen as a process of negotiation and not merely as an exchange of information. Negotiations, however, required continuity. He therefore believed that a five-year reporting period was inadequate and substantially undermined the process of negotiation, making it far less consistent.

2. Mr. GOMEZ DEL PRADO (Advisory Services, Technical Assistance and Information Branch, Centre for Human Rights) said that he wished to draw the Committee's attention to the assistance his Branch could offer to States parties. The Centre for Human Rights could provide fellowships and expert services to States parties to help them in promoting human rights. It could also organize seminars for that purpose. Governments needed only to submit a written request to the Centre, indicating the specific kind of assistance required. However, the Centre was above all interested in setting up national infrastructures to implement a global strategy for implementation of the various human rights instruments, thereby avoiding the need to respond to many different requests.

3. He therefore invited the members of the Committee to inform States parties that the Centre for Human Rights was there to help them, especially in the legal field (amendment of laws, modification or elaboration of national constitutions, etc.). The Centre could also provide advice with a view to improving implementation of the Convention or to strengthening national institutions such as human rights committees or ombudsmen. It also offered assistance in the following areas: establishment of documentation centres or libraries, training in the preparation of reports, teaching of human rights in schools, information for law-enforcement and penitentiary personnel, translation and publication of the Convention in national languages. In addition, in cooperation with the Department of Public Information, the Centre for Human Rights had produced a film on human rights education with special reference to the rights of the child; the film could be shown to the Committee at an appropriate time, if it so wished.

4. Mr. HAMMARBERG thanked Mr. Gomez del Prado and welcomed the fact that the Centre for Human Rights was already envisaging the establishment of a specific programme to help to implement the Convention. However, considering the

number of States which had ratified the Convention, he feared that the Centre might receive a flood of requests for assistance. Was it in a position financially to meet those requests? He would like to know how far the activities of the Centre for Human Rights in the field of advisory services were coordinated with those of other bodies such as the Committee on Crime Prevention and Control at Vienna or the United Nations Children's Fund (UNICEF) and what opportunities there were for specific dialogue between the Advisory Services, Technical Assistance and Information Branch and the various treaty bodies, including the Committee.

5. Mrs. SANTOS PAIS asked whether it was preferable for the Committee to make general suggestions to the Centre for Human Rights so that the Centre's programme took account of its specific needs or whether the attention of States parties should be drawn to the facilities offered by the Centre, particularly with regard to the preparation of reports.

6. Mr. GOMEZ DEL PRADO (Advisory Services, Technical Assistance and Information Branch, Centre for Human Rights), replying to the questions raised by the two previous speakers, said that the Centre's programme of assistance was funded partly from the regular budget and partly from States' voluntary contributions. Voluntary contributions were increasing as donor States believed that the programmes had been successful.

7. The Centre for Human Rights participated in inter-agency coordination meetings each year but the dialogue with the other organizations of the United Nations system in fact continued on a daily basis. One example was cooperation between the Centre and UNDP, many of whose country programmes had a human rights component. In his opinion, cooperation between the Committee and the Centre for Human Rights was necessary and should be developed, but requests for assistance nevertheless had to come from Governments themselves.

8. Mr. HAMMARBERG said that reference to the advisory services programme should therefore be made in the guidelines the Committee would send to States parties.

9. Mr. GOMEZ DEL PRADO (Advisory Services, Technical Assistance and Information Branch, Centre for Human Rights) pointed out that the Centre for Human Rights sent all States parties to the human rights instruments an annual news-letter on the advisory services it made available to them. It would be worthwhile for the Committee to remind States parties of the possibility of such assistance during the consideration of reports and it would also be an excellent idea to provide that information in the guidelines sent to them.

10. Mrs. EUFEMIO asked whether the Centre for Human Rights could also help countries to finance certain publications.

11. Mr. GOMEZ DEL PRADO (Advisory Services, Technical Assistance and Information Branch, Centre for Human Rights) said that he wished above all to stress the need for activities in that area to be coordinated with those of UNICEF, which often undertook publication programmes at the local level. Nevertheless, the Centre for Human Rights could, of course, provide assistance in the field of publication, particularly with regard to translations of the Convention.

12. Mr. SWEPSTON (International Labour Organisation) said that he, too, thought it might be very useful to point out to States parties, where appropriate, that they could benefit from the technical assistance available. Drawing a parallel with the activities of his organization, he added that for three or four years ILO, like the United Nations, also had a special assistance programme for States. ILO proceeded in the following manner: either its Committee of Experts on the Application of Conventions and Recommendations proposed technical assistance on a particular matter to the State party or it indicated the need for assistance to the field offices, which took account of that information in programming technical assistance for the countries concerned.

Reservations, declarations and objections relating to the Convention on the Rights of the Child (CRC/C/2)

13. Mr. HAMMARBERG said that the question of reservations made by States parties raised a complex legal problem. It would therefore be desirable for the Secretariat to prepare a note for the Committee indicating the procedures followed by the United Nations in that area. It was not, of course, for the Committee to comment on the validity of reservations, but it would be useful for it to have the necessary general knowledge to consider the problem.

14. Mr. KOLOSOV said that the Convention placed no limit on the reservations that Governments could make at the time of accession as long as such reservations were not incompatible with the object and purpose of the Convention (art. 51, para. 2). That raised the problem of interpreting the reservation itself, but he was not sure that the Committee had a mandate to do so. Members of the Committee were free to question the State party during the consideration of its report, but States parties could always invoke the principle of State sovereignty on the question of whether their reservations were compatible with the provisions of instruments to which they acceded. However, other States parties - to which the Secretary-General, as depositary of the Convention on the Rights of the Child, sent a list of all such reservations - were entitled to raise an objection and, where necessary, declare that they did not consider themselves bound by the reservation of the State party concerned. Consequently, he could not agree with Mr. Hammarberg's proposal and failed to see what kind of note or explanation the Secretariat could propose to the members of the Committee.

15. Mrs. SANTOS PAIS said that the document prepared by the Secretariat on the question of reservations, declarations and objections by States was of great interest for the Committee. It might be useful to know whether other treaty bodies had sought, and obtained, legal advice on the validity of a reservation. The date of notification of declarations or reservations might also be indicated.

16. Mrs. BELEMBAOGO agreed with Mr. Kolosov that it was not for members of the Committee to give their opinions on the validity of reservations made by States. However, she wished to draw the Committee's attention to the fact that a State party could always change its mind on a particular reservation. It would then give formal notification of that fact to the Secretariat, which would register the withdrawal and notify the Committee of it.

17. Mrs. KLEIN-BIDMON (Representative of the Secretary-General) pointed out that the Secretary-General, as depositary of international human rights instruments, received notification of the reservations made by States parties and circulated the text of such reservations to the other States parties. If a State party notified him of an objection to a reservation made by another State party, he was required to inform all other States parties to the same instrument of that objection. It was then for the other States parties to decide whether to respond to that objection. However, neither the Vienna Convention on the Law of Treaties nor the Convention on the Rights of the Child provided for invalidation of a reservation on the ground that it had raised a certain number of objections. As Mr. Kolosov had pointed out, at the bilateral level the reservation was not binding on the objecting State. The compatibility of a reservation with the object and purpose of a convention was a grey area in international law. It was for the States parties to decide on that matter and neither the Secretary-General nor the Legal Counsel of the United Nations was empowered to make a declaration on the subject, but the Economic and Social Council, the General Assembly or the Security Council could apply to the International Court of Justice for an advisory opinion.

18. The Secretary-General was also required to notify States parties of any withdrawal of a reservation by a State party, and the members of the Committee would be notified of that fact by the Secretariat. Lastly, concerning the point raised by Mrs. Santos Pais, she said that the Secretariat had not always been able, for technical reasons, to indicate the dates of notification of reservations but it would endeavour to provide such information systematically in future if the Committee so wished.

19. Mr. HAMMARBERG said he still believed that it would be useful for the members of the Committee to have a document indicating the Committee's competence with respect to reservations made by States. The question of who was permitted to decide whether reservations were compatible with the object and purpose of the Convention was not as clear as it might seem.

20. Mrs. KLEIN-BIDMON (Representative of the Secretary-General) indicated that the Human Rights Committee had often asked States parties to give their reasons for making a reservation and whether they might consider withdrawing it, but without examining the substance of the reservation.

21. Mr. KOLOSOV said that the United Nations issued an annual publication setting out the multilateral instruments registered with the Organization and any reservations or declarations relating to them, and it would be useful for the members of the Committee to refer to that publication whenever they considered a report from a State party. On the question of challenging the validity of reservations, the representative of the Secretary-General had mentioned the possibility of requesting an advisory opinion from the International Court of Justice. That course of action was certainly not contrary to the Committee's rules of procedure or to the Convention itself. However, the Committee must realize that in taking such action it might draw a hostile response from many States parties, on the basis of the principle of State sovereignty.

22. Miss MASON agreed with Mr. Kolosov. However, she wished to point out that most of the reservations by States parties had been made on religious grounds and it would be advisable for the members of the Committee to keep in mind the situation prevailing in the various States parties in that field.

23. The CHAIRMAN asked Mr. Hammarberg whether the document he proposed should be drawn up by the Secretariat.

24. Mr. HAMMARBERG replied in the affirmative. He assumed that the Secretariat would have to consult the Legal Counsel of the United Nations on the matter.

25. Mrs. KLEIN-BIDMON (Representative of the Secretary-General) confirmed that the document would have to be approved by the Legal Counsel before it was distributed to the members of the Committee.

26. The CHAIRMAN asked the members of the Committee whether they wished to adopt Mr. Hammarberg's proposal.

27. It was so decided.

Specific studies which the Committee might request from United Nations agencies or other organs or experts

28. Mr. KOLOSOV said that the Committee was not empowered to request studies on the interpretation of the provisions of the Convention. Experts could undertake such studies, but only in their personal capacity. The rule was that only States parties were entitled to give a formal interpretation of the Convention. The Committee could, on the other hand, request analytical studies based on statistical data.

29. Mrs. SANTOS PAIS said that it was not possible to decide on the content of studies in the abstract and that consequently there was no need, for the time being, to set limits on them. The fact that the Committee was not empowered to interpret the provisions of the Convention should not prevent it from considering the possibility of making recommendations, and possibly amendments, at a later stage. To do so, it would need to have a good understanding of all the issues covered by the Convention and it might find studies on specific problems very useful.

30. Mr. HAMMARBERG said that studies could be a valuable aid to the Committee in exchanging views with States parties, analysing the status of implementation of the Convention in various countries and in generating new ideas. They would help both to provide a broader understanding of specific issues among members of the Committee and to highlight the relationship between the various rights set forth in the Convention and the situation of children worldwide. Thus, with the United Nations Conference on Environment and Development due to be held in 1992, the Committee could arrange for a special study to be made on the relationship between the rights of the child and the global environmental situation. It could also arrange for studies to be prepared on the situation of refugee children and on child labour with the

help of UNHCR and ILO respectively. Another fundamental concept in the Convention, that of the "best interest of the child", also had to be defined more clearly. The Committee might call for a study on that question, but without committing itself to drawing any conclusion whatsoever from it.

31. Mrs. EUFEMIO pointed out that the question of the age limits within which a person could be described as a child was a controversial one that could accordingly be examined in a specific study by medical experts, psychologists and sociologists. The same applied to other related questions such as at what stage in its development the foetus could be considered a human being with its own identity, at what age the child could take decisions concerning his own life, and in particular what was the age of sexual consent and of consent to other activities such as those enumerated in paragraph 6 of the draft general guidelines (CRC/C/L.2). That list was not exhaustive and it was possible that a minimum age had been set for other cases, which could also be examined in a specific study.

Extrabudgetary funding of the Committee

32. Mrs. EUFEMIO said that, in her view, the Committee could not take a decision on the matter until it knew what sources of extrabudgetary funding might be available to it. Some of the activities under the Convention could be funded from voluntary contributions or by the specialized agencies and other United Nations bodies. She therefore proposed that the Committee should defer its consideration of that question until it could discuss it with representatives of those agencies and bodies and competent non-governmental organizations.

33. Mr. HAMMARBERG remarked that the simplest solution would be to address the General Assembly directly, submitting an estimate of the resources needed for the Committee to accomplish its task. It would not be wise for the time being to suggest the possibility of financing through voluntary contributions or extrabudgetary resources, as that might lead to a reduction in the appropriations made from the regular budget of the United Nations. Moreover, it had to be kept in mind that financing from States' voluntary contributions might affect the Committee's independence or at least its credibility as an independent body. On the other hand, there was no reason why such voluntary contributions should not be made by the specialized agencies or other United Nations organs in the context of cooperation with them. A special meeting of the Committee might, for example, be held away from Geneva with the financial assistance of the specialized agencies.

34. Mgr. BAMBAREN-GASTELUMENDI asked what kind of support the Secretariat was ready to extend to the members of the Committee to help them in discharging their mandate not only while they were at Geneva but once they returned to their respective countries. He also requested clarification as to the meaning of article 43, paragraph 12, of the Convention.

35. Mr. HAMMARBERG associated himself with that request. The meaning of that provision should indeed be clarified and the Committee might raise the matter in its letter to the General Assembly.

Relationship between the various international instruments and the bodies established under the international human rights instruments

36. Mrs. SANTOS PAIS said it was essential that the Committee should be kept informed of the activities of other United Nations bodies established under international human rights instruments and that it should enter into a continuing dialogue with them. Those bodies dealt with the whole range of issues relating to the rights of the child and it was therefore important for the Committee to know about their methods of work and how they interpreted the instruments whose implementation they were called upon to monitor. To that end, a member of the Committee could be given the task of presenting a report by the Secretariat, at the beginning of each session, on the activities and measures adopted by the various bodies. Serious thought should, furthermore, be given to the proposal made by the Committee on Economic, Social and Cultural Rights at its most recent session to organize a meeting of representatives of the various bodies to study matters of common concern. The Committee could already designate a member to represent it at that meeting. It should also consider participating in the meetings of chairpersons of the international human rights treaty bodies, which on the recommendation of the Commission on Human Rights were to be held every two years. Should the General Assembly accept that proposal, it would then also be necessary to designate a representative of the Committee for the next such meeting. Lastly, there was the possibility mentioned at previous meetings of chairpersons of the international human rights treaty bodies to designate a member of each body to follow the work of the other bodies or to set up working groups in which the various bodies would be represented and could thus carry on a dialogue. It would also be desirable, in her view, for the Committee to enter into contact with the Special Rapporteur on the sale of children, child prostitution and child pornography and with the Working Group of the Sub-Commission on Prevention of Discrimination and Protection of Minorities entrusted with the study of slavery-like practices, which dealt with many issues that fell within the scope of the Committee's mandate.

37. Mr. O'CONNELL (Defence for Children International Movement) pointed out that the Convention on the Rights of the Child in fact recognized very few new human rights and reaffirmed existing rights more specifically from the perspective of children. Some of its provisions drew their inspiration from earlier declarations on the disabled, adoption and juvenile justice, while others developed the rights of the child as a special protection recognized in particular in the international covenants on human rights. But there were also other instruments and resolutions that further clarified the meaning of some of the rights guaranteed by the Convention. They included the 1986 Declaration on Social and Legal Principles relating to the Protection and Welfare of Children, with Special Reference to Foster Placement and Adoption Nationally and Internationally, the United Nations Standard Minimum Rules for the Administration of Juvenile Justice, ILO standards relating to child labour, the Geneva Conventions, and the United Nations Convention relating to the Status of Refugees, as well as the WHO resolutions on organ trafficking, the new UNHCR guidelines concerning refugee children and the Plan of Action adopted by the World Summit for Children in September 1990.

38. The Committee was certainly not competent to ensure that those various standards were applied, but neither could it act without taking them into account, since those standards and the provisions of the Convention were complementary. Furthermore, some of the instruments mentioned had been elaborated after a long process of consultation with specialists and experts in the field and therefore constituted a body of expertise and knowledge that would certainly be of value to the Committee. The fact that the specialized agencies might be more competent in some fields and had already taken action to oblige some countries to respect the provisions of those instruments did not necessarily mean that other bodies had no role to play. The Committee would not be usurping the functions of other international bodies or interfering in their affairs since its task was not, for example, to interpret ILO conventions on child labour or to decide whether a State was complying with them. It should simply attempt to ascertain how those instruments might be of use in its work in monitoring the specific application of the Convention on the Rights of the Child. It must above all discard the idea that the Convention could be applied and interpreted in isolation, independently of other existing standards.

39. Mr. KOLOSOV said that it might be useful in that regard for the Centre for Human Rights to prepare a compilation of those instruments, declarations, resolutions, etc. specifically concerning the rights of the child which had been adopted well before the Convention itself by UNESCO, ILO and UNICEF, among others. On the question of the interpretation of the Convention, he recalled that, under its rules of procedure, the Committee could adopt general comments constituting a doctrinal interpretation of the Convention that might serve as a guide in many cases, it being understood that those comments would have no binding force on Governments.

40. Mrs. KLEIN-BIDMON (Representative of the Secretary-General) said that in the context of preparations for the World Conference on Human Rights to be held in 1993, it had been suggested that a new, fuller edition of the compilation of international human rights instruments, which was bound to include the Convention on the Rights of the Child and other relevant instruments, should be published. She would transmit any suggestions the Committee might make in that regard to the competent unit of the Centre for Human Rights.

41. Mgr. BAMBAREN-GASTELUMENDI supported Mr. Kolosov's suggestion. Even if the Convention was its principal tool, the Committee must not act in isolation and should take account of other instruments signed and ratified by the States parties to the Convention.

42. Mrs. SANTOS PAIS also endorsed Mr. Kolosov's suggestion, but wished to stress the need for the members of the Committee to have a documentation room where they could obtain all the documents required for the consideration of a particular question, until such time as the compilation was published.

43. Mrs. EUFEMIO said that, in her view, it would also be useful to publish a compilation of general comments constituting the doctrinal interpretations mentioned by Mr. Kolosov.

44. Mrs. SANTOS PAIS said she took it that Mrs. Eufemio was suggesting that the Secretariat should publish a compilation of general comments adopted by other treaty bodies which might serve as a guide when the Committee came to adopt its own general comments.

45. Mrs. EUFEMIO said that she was referring to the interpretation of articles of the Convention in relation to the provisions of other international instruments dealing with matters of direct concern to the Committee.

46. Mrs. KLEIN-BIDMON (Representative of the Secretary-General) said that the Secretariat could easily provide the members of the Committee with the text of general comments adopted by the Human Rights Committee, the Committee on Economic, Social and Cultural Rights and the Committee on the Elimination of Discrimination against Women. Concerning the interpretation of articles of the Convention, she wondered whether Mrs. Eufemio meant the commentaries on those articles that were already in preparation but would not be available until the following year.

47. Mr. KOLOSOV said that the file tracing the history of the Convention which had been distributed to each member of the Committee in itself constituted an intepretation of the Convention. He invited the representatives of non-governmental organizations, specialized agencies and United Nations organs by the following day to prepare for Mrs. Klein-Bidmon, who had agreed to transmit it, a short list of all the instruments that in their view should be included in the new edition of the compilation of international instruments.

48. Mrs. KLEIN-BIDMON (Representative of the Secretary-General) said that the compilation of texts drafted in the course of preparation of the Convention, in other words the "travaux préparatoires", was to be issued shortly as an official document of the United Nations. The members of the Committee would be notified as soon as it appeared.

49. Mr. SHAW (World Food Programme) warmly welcomed the idea of preparing a compilation of international legal instruments relating to the rights of the child. That would be a most valuable tool not only for the Committee but also for the organs and organizations of the United Nations system, Governments and any interested parties, as they would all be able to see the interrelationship between the various aspects of the question. He felt, moreover, that the Committee should be provided with a complete profile of the development assistance programmes carried out in various countries by the United Nations system, non-governmental organizations and private voluntary institutions. To manage the extremely large volume of information that would involve, it would be necessary to equip the proposed documentation room with a computerized data storage and retrieval system.

50. Mrs. KLEIN-BIDMON (Representative of the Secretary-General) pointed out that, at its forty-fifth session, the General Assembly had adopted the recommendations of the Task Force on Computerization relating to the work of the treaty-monitoring bodies and as soon as the necessary financial resources

became available the Secretariat would begin establishing a computerized database which would initially contain full information on the relevant instruments and supervisory bodies and would gradually be supplemented by analytical documents on the various questions examined by those bodies.

51. Mr. SWEPSTON (International Labour Organisation) pointed out that he had just transmitted to the secretariat of the Committee a preliminary comparative analysis of the provisions of the Convention on the Rights of the Child and 57 ILO conventions; a list of those instruments in French and Spanish was annexed to the document, which for the time being existed only in English. He, too, believed that it would sometimes be difficult to bring out the relationship between the Convention on the Rights of the Child and international legal instruments which had not been drafted and adopted under the auspices of the United Nations. That did not prevent cooperation between the treaty bodies from being fruitful and casting fresh light on each other's work. However, the idea of establishing a complete profile of the development assistance programmes of all organizations in the form of a database was not feasible in his view and he doubted whether ILO could report on all the technical assistance provided through it to every single developing country.

52. Mr. SHAW (World Food Programme) agreed that the idea might appear ambitious, but nevertheless felt that such a database was an absolutely essential tool. WFP, for its part, would be perfectly able to provide a complete profile of its assistance programmes and he was surprised that other organizations and institutions could not do the same. If the Committee could encourage them to do so, it would render a great service to all organizations, as well as to the international community.

Informal work of the Committee

53. Mgr. BAMBAREN-GASTELUMENDI suggested that, pending the submission of reports by States parties, the Committee should hold an informal meeting in one part of the world the following year. Such a meeting would provide an opportunity for its members to study more directly the actual situation of children and to exchange views freely with the directors of public organizations and private institutions in the countries of the region. That might shed light on the difficulties faced by those organizations and institutions in ensuring the welfare of children, and also on what they expected from the Committee and what the Committee would like to see them do. The local press and regional media would no doubt give the work of the Committee wider publicity than it received at Geneva, which already hosted a multitude of international meetings. He therefore proposed that the Committee should organize a seminar on the Convention on the Rights of the Child in Latin America in May, June or July 1992 involving the United Nations Children's Fund, the Inter-American Children's Institute and other interested intergovernmental organizations, including ILO, WHO, UNESCO, FAO and WFP, as well as international and regional non-governmental organizations, bar associations, social information bodies, etc. The Committee could perhaps request UNICEF and the Inter-American Children's Institute to help it to organize the seminar.

54. Mrs. POIRIER (United Nations Children's Fund) said that UNICEF was prepared to support - or even establish in consultation with non-governmental organizations - workshops, seminars or meetings of the kind just suggested by Mgr. Bambaren-Gastelumendi. UNICEF was also ready to consider other specific ways of cooperating in the work of the Committee.

55. The CHAIRMAN summed up the main points that had emerged from the general discussion. With regard to advisory services, Mr. Gomez del Prado had pointed out that there were several areas in which such services could be useful, either in helping States parties to review, amend or supplement as necessary their legislation as well as to strengthen their institutions or create new ones, or in helping them to prepare their reports. Those services could also be employed to facilitate and organize training in human rights and in the preparation, translation, publication and dissemination of documents providing information on the Convention on the Rights of the Child.

56. Concerning reservations and declarations made with respect to the Convention, it had been recalled that States parties were free, under article 51, to make any reservation provided that it was not incompatible with the object and purpose of the Convention, and that such reservations could also be withdrawn. It had been noted, however, that the grounds on which most of the reservations had been made - some of which dealt in particular with religion - would facilitate neither their withdrawal by States parties nor consideration of the implementation of the Convention by the Committee. Lastly, it had been explained to the Committee how the reservations and declarations had been received and communicated to all States parties, and the members had been assured that they would be duly informed of any withdrawal of a reservation.

57. With regard to studies on specific issues relating to the rights of the child, the members of the Committee had raised questions about the nature, usefulness and purpose of such studies. It had been argued, among other things, that some studies could place the rights of the child in a wider context, such as the environment. Others might help the Committee to understand better the situation of certain groups of children. Yet other studies might serve to elucidate the meaning and scope of certain principles embodied in the Convention, such as the "best interest of the child". It had also been said that the information provided by such studies could help the Committee to gain a better grasp of some of the concepts contained in the Convention or even lead it to suggest amendments.

58. As to sources of financing other than the regular budget of the United Nations, the Committee had mentioned the possibility of seeking voluntary contributions or even bilateral financing. It had been said that the Committee should above all, and wherever possible, rely on the regular budget of the Organization, so as to emphasize clearly the importance of its work and to guarantee the independence of its members, something that would not always be easy if it had recourse to bilateral financing.

59. Concerning the relationship between the various international legal instruments and the supervisory bodies, some members of the Committee had requested that a compilation of international legal instruments, declarations and other texts relating to the rights of the child should be prepared,

possibly with the assistance of the specialized agencies and other competent organizations. The Secretariat had already received a list of relevant ILO conventions. It had also been suggested that the specialized agencies and other bodies should submit a consolidated report on their assistance programmes, and the representative of the World Food Programme had offered to submit a full report on WFP activities. It had been said also that the Committee should envisage cooperation with other supervisory bodies to ensure that their work was harmonized; the joint elaboration of some general comments might also be considered. In that regard, it had been asked whether the Secretariat could compile general comments relating to the rights of the child made by various treaty bodies. A proposal had also been made to establish a database, including a computerized data storage and retrieval system, covering all issues to be addressed by the Committee. The Secretariat had indicated that some measures had already been taken in that regard and had announced that the texts of the "travaux préparatoires" for the Convention were to be issued as an official document of the United Nations.

60. Concerning work carried out by the Committee in an informal setting, it had been proposed that the Committee should hold meetings in various parts of the world to give wider publicity to its work and to involve some groups and information organs in the discussion on the rights of the child and it had been suggested that one such meeting should be organized in Latin America in May, June or July 1992; that initiative had been welcomed by UNICEF, which had offered its assistance to the Committee for the organization of such meetings.

61. Mr. KOLOSOV congratulated the Chairman on her very exact summary of the general discussion. He wished, however, to urge the Committee to refrain from mentioning in any of the documents it would adopt at its current session the idea, which to his mind was extremely dangerous, of proposing amendments to the Convention: that was not the Committee's task and it should not forget that, while the provisions of the Convention might not go as far as some could have wished, they represented a compromise reached by the negotiators after 10 years of work.

62. Mrs. SANTOS PAIS said that, in her view, the Committee might well find on the basis of a specific study that the Convention contained some lacunae; there was nothing to prevent it, in such a case, from pointing that out to the States parties, which bore ultimate responsibility for proposing the amendments they deemed appropriate.

63. Mrs. EUFEMIO agreed entirely with Mrs. Santos Pais and added that the Committee must not avoid raising questions on which there had been a divergence of views at the time of elaboration of the Convention, as had been the case in particular with regard to the definition of a child.

64. Mr. HAMMARBERG pointed out that article 50 of the Convention did not authorize the Committee to propose amendments, the Committee's sole task being to monitor implementation of the Convention as it stood. Moreover, it would run the risk of undermining its credibility with States parties if it requested studies clearly intended to encourage them to propose amendments to the Convention. On the other hand, the Committee could and should foster

discussion on the rights of the child and should not hesitate to examine delicate questions, even if the States parties were then led to conclude that the established standards were incomplete.

65. Mrs. EUFEMIO said that there could be no question of proceeding on the assumption that studies requested by the Committee would necessarily involve amendments to the Convention; that would prejudge the results of the studies, which should be as objective as possible.

66. The CHAIRMAN said she took it that that was the Committee's understanding on the matter and announced that the Committee had concluded the general discussion on its methods of work.

The meeting rose at 6.05 p.m.